

**CITY OF ANTIOCH
PLANNING COMMISSION**

**Regular Meeting
6:30 p.m.**

**August 19, 2015
City Council Chambers**

Chair Motts called the meeting to order at 6:30 P.M. on Wednesday, August 19, 2015 in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, August 26, 2015.

ROLL CALL

Present: Commissioners Parsons, Zacharatos, Mason, Miller, Hinojosa
Vice Chair Westerman and Chair Motts
Absent: None
Staff: Interim City Attorney, Bill Galstan
Community Development Director, Forrest Ebbs
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: July 1, 2015

On motion by Commissioner Zacharatos, seconded by Commissioner Vice Chair Westerman, the Planning Commission approved the minutes of July 1, 2015 as presented. The motion carried the following vote:

AYES: Motts, Westerman, Parsons, Zacharatos, Mason, Miller and Hinojosa
NOES: None
ABSTAIN: None
ABSENT: None

CONTINUED PUBLIC HEARING

- 2. UP-15-09 – Contra Costa Medical Career College Inc.** requests approval of a Use Permit for the establishment of a private school within the existing 16,737 square-foot building at 1700 Auto Center Drive (formally 1700 Somersville Road) located in the PBC (Planned Business Center) Zoning District (**APN 074-054-011-08**).

Community Development Director Ebbs presented the staff report dated August 12, 2015, recommending the Planning Commission approve a use permit for a private school subject to the conditions of approval contained in the attached resolution.

In response to Commissioner Parsons, CDD Ebbs read an excerpt from the General Plan. Commissioner Parsons stated that in regards to Economic Development, the City is charged with insuring internal goals and policies and that the Somersville corridor is a large part of that in that it encompasses dealerships and other retail businesses. That pursuant to the Economic Development portion of the General Plan which encourages business and generating taxes, she does not think this use does that.

Chair Motts opened the public hearing.

Applicant, Stacey Orozco, spoke to say that this is a private vocational training school, that since 2007 that have graduated more than 5000 students (4000 of which have become gainfully employed), that they currently reside in the Bluerock Center which is a retail center, and that with the growth that they have gone through over the last seven years, they now have no more space. She said that currently they employ twenty people but that in a year's time they look forward to adding five to ten more and anticipate graduating 1500 students over the next year. Applicant stated that she believes that they do contribute to the economic growth in the community.

In response to Commissioner Parsons, applicant stated that most classes are ten weeks in length, that there are several cohorts with one program graduating every four weeks; that programs range in length of 4 weeks, 8 weeks, 10 weeks up to one year. She said that she has a chart which shows the schedule and the amount of time that each occupies the building; that they stagger them so that not all students are present at one time. She said that all of the parking spaces are never all taken at any one time.

CDD Ebbs pointed out the proposed condition F1 to the Planning Commission.

Vice Chair Westerman clarified with applicant that they are purchasing the property and that they are in escrow now.

Michael Luca stated that he was here two weeks ago and that he was here on behalf of Tom Nokes, the owner of adjacent property and also the owner of multiple properties across the street. He said that while Mr. Nokes opposes the use of the college at this property, he is not against the college itself but that this specifically relates to the

Council's vote in 2007 to allow auto sales in this corridor, AAA being auto related. That any retail use on that corner should be complementary to those uses for the area.

In response to Commissioner Hinojosa, Mr. Luca stated that there was interest in Mr. Nokes purchasing the property, that multiple documents were going back and forth but then Mr. Nokes was abruptly told that the owner were going with another buyer. He said that as part of the sale to Mr. Nokes, the building would have been demolished, leading to more growth.

Chair Motts closed the public hearing.

CDD Ebbs reminded the Planning Commission that this is a contended issue, that they are establishing a record, that this is not a decision between auto sales and the career college, and that only one application is currently before the Commission.

City Attorney Galstan stated that they have heard comments and that if there is any inclination to deny this use permit, he would request that the Commission have a tentative decision so that there are written findings. He said that zoning is not given to the highest and best bidder; that he has looked at the General Plan and Ordinance since the last meeting. That the Ordinance regarding Use Permits has certain criteria; that some are pretty typical and that there are some other criteria, one of which is adversely affecting public welfare. He said that the General Plan does have a number of policies which tend to favor commercial retail tax generated uses in the Somersville corridor and that it encourages auto related uses. With those policies in place, they could have a finding that non-retail, non-tax generating college is not entirely consistent with those policies.

Commissioner Parsons stated that this corridor is intended for economical development tax generating entities and that as a good planning practice, it should be a tax generating activity in that corridor.

Commissioner Mason said that he doesn't feel the same necessity of that being retail, that based on staff's recommendation and applications in compliance with approved uses in that area, that he sees no reason to deny and that he would support the project at this time.

Commissioner Zacharatos agreed and said that she was inclined to support.

Commissioner Hinojosa said that she agrees with Commissioner Parsons about a better use for the site but does feel that this application is before them and she cannot find reasons to deny the project and therefore is going to support staff's recommendations.

Chair Motts agreed with the majority and said that he can't find a reason to deny the request. He said that he believes that there is some other business in that area that is not auto related. That he can't understand why AAA is leaving but this project is something before them and on the table.

Vice Chair Westerman concurred with the majority of the Commissioners and stated that in Antioch health care is also a major industry and that this type of use he thinks also contributes to that. He stated that he will support this application.

RESOLUTION NO. 2015-17

On motion by Commissioner Hinojosa, seconded by Commissioner Miller, the Planning Commission members present unanimously approved use permit (UP-15-09) to establish a private school subject to all conditions. The motion carried the following vote:

AYES: Zacharatos, Mason, Miller, Hinojosa, Westerman, Motts

NOES: Parsons

ABSTAIN: None

ABSENT: None

- 3. UP-15-07 – Vista Diablo Mobile Home Park Expansion –** Sierra Management requests approval of a Use Permit to add 6 mobile home lots at an existing 150-unit mobile home located at 2901 Somersville Road in the R-10T (Medium Density Residential District/Manufacture Housing Combining District) **(APN 076-010-029)**.

CDD Ebbs presented the staff report dated August 12, 2015.

In response to Chair Motts, CDD Ebbs said that this parcel is a tiny sliver that can only be accessed through the park.

Opened public hearing.

Applicant stated that this is an existing senior community, that they have 150 spaces, that they want to add 6 more spaces, and that although he doesn't have much background he believes the park has been there since 1978.

Closed public hearing.

Commissioner Hinojosa said that she has no issues with this project.

Chair Motts states that he also has no issues.

RESOLUTION NO. 2015-18

On motion by Vice Chair Westerman, seconded by Commissioner Zacharatos, the Planning Commission approved the expansion of the existing mobile home part from 150 units to 156 units, subject to all conditions. The motion carried the following vote:

AYES: *Parsons, Zacharatos, Mason, Miller, Hinojosa, Westerman, Motts*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

4. **UP-15-08/AR-15-06** – Conrad DeJesus, DJA Architects, on behalf of Pete’s Restaurant and Brewhouse requests approval of a Use Permit for the creation of a 850 +/- square-foot outdoor dining area adjacent to the existing restaurant building at 2709 Hillcrest Avenue in the C-2 (Neighborhood/Community Commercial) Zoning District (**APN 052-232-020**).

CDD Ebbs presented the staff report dated August 12, 2015.

In response to Commissioner Parsons, CDD Ebbs said that there may be a landscape drain but the project could not interfere with utilities.

Opened public hearing.

Applicant, Conrad DeJesus, said that this is a very straight forward outdoor dining patio which would enhance the current restaurant.

Commissioner Hinojosa asked if this would be an all open outdoor seating area, or if there would be any shading structure to which applicant said that they are no current plans for shade.

In response to Commissioner Zacharatos, applicant said that they have a seating layout and he is assuming this would accommodate approximately 40 or so people. CDD Ebbs said that the plan shows 13 tables with 3 or 4 people at each table.

Vice Chair Westerman clarified with applicant that there is a possibility of umbrellas at the tables.

In response to Commissioner Mason, applicant stated that this would be year round seating with free standing heating devices.

In response to Commissioner Parsons, the applicant said that the storm drain is farther away from the patio and that it is not affected by the size of the patio.

The manager of County Square Market spoke to say that while he is happy that the space is taken and will be open for business, he is a little concerned about alcohol drinking and if customers were to over drink and his concern is about fights given that they have families with children shopping at their store.

CDD Ebbs said that the applicant can address that issue.

Applicant stated that beer and wine will be sold, that other franchises have a bar, and that he is assuming that this one will match that, but the answer should come from the franchisee and not him.

Commissioner Parsons interjected that since you can't get to the parking lot without going through the restaurant, the fight would have to go through as well.

Chair Motts asked about the liquor license to which applicant said that was never part of the discussion between him and the client and CDD Ebbs said that restaurants of this type require that food is served and that it is pretty well regulated by the Alcoholic Beverage Control Board. He said that the six foot screen required would keep drinks from being passed out into the parking lot and that if this becomes an issue, this use can be revoked as they retain authority.

In response to Commissioner Hinojosa, applicant said that the gate on the east elevation would remain closed and that the gate is only an emergency exit.

Closed public hearing.

Chair Motts said that he does not have a problem with this, that he did read that the gate is a legal requirement for access for emergency, that possible shade structures with heat may want to be considered, and that he is in favor of this application.

Commissioner Mason said that he is also in favor of this application in that it brings more value to the community and that places like this are needed.

Commissioner Hinojosa reiterated concerns about having shade structures which she would strongly encourage but that she has no other concerns.

RESOLUTION NO. 2015-19

On motion by Vice Chair Westerman, seconded by Commissioner Parsons, the Planning Commission approved UP-15-08 for a use permit for the installation of an outdoor dining patio at the existing restaurant building at 2709 Hillcrest Avenue, subject to all conditions. The motion carried the following vote:

AYES: Parsons, Zacharatos, Mason, Miller, Hinojosa, Westerman, Motts
NOES: None
ABSTAIN: None
ABSENT: None

5. **PDP-15-01 – Hillcrest/Wildflower Mixed Use Project** – DeNova Homes requests a preliminary review of the proposal to develop a mixed use project containing approximately 100 apartments, 24 single-family lots and 9.52 acres of commercial development at the vacant lot at the northeast corner of the intersection of Hillcrest Avenue and Wildflower Drive in the PD/C-2 (Planned Development; Neighborhood/Community Commercial) Zoning District (**APN 053-140-002**).

CDD Ebbs presented the staff report dated August 12, 2015.

Chair Motts stated that some of the lot sizes are extremely small, to which CDD Ebbs said that the graphics presented tonight will better demonstrate that but that these are essentially view houses and not typical flat land homes due to the physical constraints on these lots. That they haven't gotten far enough along for floor plans or sizes.

In response to Chair Motts CDD Ebbs stated that the Housing Element addressed numbers for apartments but that while he does not have that number on hand, there is a lot of acreage for low density in the City's plan.

In response to Commissioner Parsons, CDD Ebbs stated that the dash line on page D1 is a drainage easement. Applicant confirmed that this is an easement for a water line and that they are working with Flood Control who has authorized them to go ahead.

In response to Commissioner Hinojosa, CDD Ebbs said that any significant project requires a General Plan amendment and that four total can be approved in a year. He said that this parcel could certainly be considered in the General Plan update but that it is a matter of timing, not a matter of principal and that it was good that she brought that up.

Commissioner Parsons said that she would like to see more transit villages with Bart so close.

CDD Ebbs said that while this is not in the actual area, it is within the study area.

In response to Commissioner Mason, CDD Ebbs said that the 3' setback between the garage and sidewalk in the staff report was actually a typo and that the 3' setback was a side setback and not in the front.

Applicant interjected that they would propose an 18 to 20' driveway.

Opened public hearing.

Applicant, Trent Sanson said that the design team was present and handed out civil renderings to staff and the Commission and placed poster boards. He gave a power point presentation which included background, workshop overview, project location, the Hillcrest Station Specific Plan, the Hillside Development Ordinance definition, and the

preliminary development plan-Parcel C (commercial) Parcel B (apartment) Parcel A (residential).

Ralph Strauss, Architect, continued with the power point presentation discussing the three components of the site (commercial with the main street access point, apartments, and residential).

Applicant pointed out the mitigatable wetlands and showed the letter regarding the water easement.

CDD Ebbs stated that this is not a public hearing.

Paul Powell Jr. said that he lives on Wildflower, that this project is 30% of what the existing housing is in Hillcrest Estates, that there is a flaw in that it all empties into Wildflower, that at the intersection of Deer Valley and Hillcrest motorists have figured out going through Wildflower to get to Highway 4 is quicker, and that this project will exaggerate that and make Wildflower a major thoroughfare. He said that he didn't see anything like a park and that they have open space but it won't be level. He said the benefits of mixed use are that people can work, play and have recreation and restaurants where they live. He said that the developer gets more efficient use of the space, the public entity gets more revenue but he is not sure about the benefits to residents.

Robert Berntson, resident on Sunflower, said that his major objection is the issue with traffic; that his building has been smashed into and that vehicles have been hit with vehicles speeding down the street. He said that Wildflower will turn into a major thoroughfare that can't accommodate that many apartments in that area, and the area would be better served not having this many people in such a small area; infrastructure of the streets doesn't support it. That it is a great idea to have a plaza and create revenue, that he would prefer an industrial area where the apartments would be, and that the apartment complex is going to create too much congestion and traffic.

Dabba Lubken agreed with the neighbors and said that she is concerned about the 100 apartment complex which will affect traffic and speeding. That this will be an eyesore and will affect property values. She is also afraid of crime being brought in. She currently commutes and this will be adding more congestion. She said that she does like the idea of the plaza but doesn't like that many homes in such a small place and would appreciate not allowing this to happen.

Phyllis Fischer, resident on Sunflower, said that there are major traffic issues with cars going down Sunflower too fast, and that the City won't put in stop signs or speed bumps. That 125 more units would be a major problem due to traffic and that something needs to be done with the traffic there already. That this creates a possibility of more Section 8 housing, and although the plaza is great and would create jobs, Antioch does not have enough jobs.

Applicant said that in regards to traffic, this is in preliminary stages, but now that school is in session they can get accurate counts. That they are working with fire, police, and schools on impact fees and design and will look at density in conjunction with traffic reports. Regarding market rate, these are not intended to be Section 8 or low income, and that he imagines homes approaching \$500,000.00 with very high level apartments ranging from studio to three bedroom.

Commissioner Parsons said that she wouldn't want to see buses stopping on Hillcrest but would want residents to have access to buses to get to the Bart station. She said that there is an exceptional chance of having phenomenal frontage to that property on that corner can be a show place. She asked if the basins will also be parks and said that they may want to have something for kids to do.

Applicant said that the water basins are for C3 which will have drought tolerant landscaping but not useable.

In response to Commissioner Zacharatos, applicant said that they do not have any sports courts or pools planned but are looking at amenities within the building such as a fitness center or play areas. Their other thought is that the plaza would double as communal for outdoor amenities.

Vice Chair Westerman wanted to echo the comments already made including the need for a traffic study and that open space with play grounds would be good. He said they need to look at the school district for capacity for students. That this is a very prominent location and a great opportunity for something nice.

Applicant pointed out the meandering walkway on Hillcrest.

In response to Vice Chair Westerman regarding the stability of the hill, applicant said that they have been given a favorable soils report.

In response to Commissioner Mason, applicant said that they may create systems in the buildings for trash or they may have covered trash locations; that they will work with staff and the trash authority on that. He said that there is a median near KFC for exiting onto Hillcrest with an only right turn onto Hillcrest. That they could work with staff on mitigation measures and will take that and general softening measures into consideration as well. He said that they will also look at what else they can do about incorporating play areas in between the apartment buildings.

Commissioner Mason said that on the single family dwellings, most of those appear to have the garage facing or fronting onto the street and that zoning calls for garages not in front of the house but set back a few feet. He asked if that could be redesigned so garages are set back for aesthetics.

CDD Ebbs said that is referenced in the report as well.

Applicant said that they can look at redesigning; that their thought was to bring the garages forward and create alcoves creating mini patio alcoves and living alcoves in the back. That if the direction is guidelines, they can look at that.

In response to Commissioner Miller, the applicant said that they will create natural drought tolerant plants and blend them going down to the commercial area and that they will come up with something that is aesthetically pleasing.

In response to Chair Motts, applicant said that they haven't gotten into the green elements but that the 2013 Code requires that they pre-wire for solar although he is not sure for multi-family; that they will have covered parking. He said that although the homes would not be zero lot line, the minimum size may be 4' instead of 5'. Applicant said that he believes there is a bike lane on Hillcrest that could tie into existing facilities which can be adjusted for the main street area.

Commissioner Hinojosa said that she is really excited about the mixed use concept and while this is a step up from the original rendering, she doesn't like the current layout. She said that it can be taken a step further and there can be more connectivity between retail, something like Bay Street in Oakland or The Streets in Brentwood on a smaller scale. That this is too broken up and blocky. She loves the plaza concept and would like to see more thought given to that. That this is a prominent location with the potential for a big draw. That regarding to the apartments, she does not like the fact that there are no private gates with access to residents on the east side and would like to see a gate in or parking reserved for residents. That there needs to be more amenities and maybe a fence in between the commercial and residential to break it up. Regarding the setback and the street design, she can't really envision without more detail on lot size and layout and would defer back to staff. Regarding Hillside Development and Hillside Guidelines, we need to do everything we can to adhere to them. Also, need consideration of how it can be built into the hillside. Regarding traffic, she agrees with staff that there needs to be a secondary access point, and the apartments should have its own access. She said the public art is great and she had an idea about keeping a theme around Antioch to maybe something historical. That while she absolutely believes we need to support police services in the City, she thinks that needs to be driven by ordinance and council and not by projects. With respect to number 27 requiring the Development Services Agreement required, she has a big issue with that and that should be a policy decision.

Chair Motts concurred and in general is excited about the project.

Commissioner Hinojosa added that she would be in favor of making the units higher, more stacking, if they are able to have more community benefits such as pools.

CDD Ebbs asked for clarification from the Planning Commission on items such as grading, the secondary access road, community amenities including rooftop amenities, increasing level of apartments, reduced parking, multi-family, commercial use and condo conversion. The Planning Commission commented as follows:

Chair Motts is in favor of working through grading issues by reducing the number of homes. Commissioners Parsons and Hinojosa are also in favor.

Commissioner Hinojosa said that in an ideal world, secondary access could be from Wildflower and access to commercial from somewhere else.

Commissioner Parsons stressed again that the corner is so bad that there is a need for bus turn outs. She said that she likes the idea of a transit village to take buses and Bart.

Commissioner Hinojosa said that she is in favor of reducing parking in some way to justify that with bus access, bicycle parking or some need or reason we are doing that, as there are so many parking spaces.

Commissioner Parsons said that this is a new concept for the City and that around Hayward Bart they have beautiful areas that work. She said that we want people off the highway and we want transit villages.

Chair Motts said that apartments or condo units are appropriate near the Hillcrest Station and that he would support being creative with pathways and trails for this project.

Commissioner Mason said that mixed use is quite favorable and he would love to see more of it.

Commissioner Hinojosa said that she likes the idea of condos being owner occupied and maybe a condo overlay can be explored.

Applicant said that their intent is to be long term holders of the apartments.

Chair Motts said they may want to do some outreach to the community members that are residents near there.

Commissioner Zacharatos asked about underground parking to which applicant said they were unsure because of the topography but that they can look into that. Commissioner Zacharatos then asked about laundry facilities to which applicant said that they are looking at joint communal laundry facilities, but if they explore the condo idea, they can also explore individual laundries.

Chair Motts invited the public to speak again.

Neighbor, Phyllis Fischer, spoke to say that if you go out to the neighborhood where Wildflower is, a little way up that hill you will hit their neighborhood. That there is a large City park on Sunflower which all of these apartments would use. She would like to discuss with the City maybe stop signs and speed bumps.

Chair Motts said that these issues can be addressed to the City directly with respect to speed bumps and signs; all other things through a community meeting.

CDD Ebbs had one last comment that this is a review process and when it comes in formally soon, they will have a traffic study and mitigation measures. For existing problems out there, the City can address those through Public Works and the Police Department.

Chair Motts thanked the developer.

ORAL COMMUNICATIONS

Chair Motts said that for these long meetings, if anyone would like to have a break, to please let him know.

Commissioner Hinojosa said that it was nice to have police at the meeting and wanted to recognize that.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Chair Motts said that Transplan was cancelled this month.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 9:12 P.M.

Respectfully Submitted,
Cheryl Hammers